

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CLAYTON HORTON,

Plaintiff,

Case No. 08-10555

v.

HONORABLE DENISE PAGE HOOD

MICHIGAN DEPARTMENT OF
CORRECTIONS,

Defendant.

/

ORDER ACCEPTING REPORT AND RECOMMENDATION

I. Background

This matter is before the Court on Magistrate Judge Charles Binder's Report and Recommendation dated April 7, 2008 [**Docket No. 5**], recommending that District Court TRANSFER this case to the United States District Court for the Western District of Michigan pursuant to 28 U.S.C. § 1406(a) because proper venue lies in that district. 28 U.S.C. § 1391(b). No objections have been filed to the Report and Recommendation.

II. Standard of Review

The standard of review to be employed by the Court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(c). This Court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." Id.

III. Conclusion

The Court adopts the Magistrate Judge's Report and Recommendation, and this case is to

be transferred to the Western District of Michigan.¹

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Charles Binder [Docket No. 5, filed on April 7, 2008] is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

IT IS ORDERED that this case is TRANSFERRED to the Western District of Michigan, and the Clerk's Office shall take appropriate action to effect the transfer.

DATED: April 22, 2008

s/ DENISE PAGE HOOD
DENISE PAGE HOOD
United States District Judge

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 22, 2008, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager

¹The Western District should be aware that the complaint has not yet been screened pursuant to 28 U.S.C. §§ 1915A(b), 1915e(2)(B), and 42 U.S.C. § 1997e(c)(1).